

Permitting & Assistance Branch Staff Report

Revised Solid Waste Facilities Permit for
John Smith Road Landfill
SWIS No. 35-AA-0001
March 18, 2013

Background Information, Analysis, and Findings

This report was developed in response to the Operator's request for the California Department of Resources Recycling and Recovery (Department) to issue a revised Solid Waste Facilities Permit (SWFP) for John Smith Road Landfill, Solid Waste Information System (SWIS) No. 35-AA-0001, located in an unincorporated area of San Benito County, and owned and operated by San Benito County Integrated Waste Management. The Department currently serves as the Enforcement Agency (EA) for San Benito County (effective May 1, 2012). A copy of the proposed SWFP is attached. This report contains Permitting & Assistance Branch staff's analysis, findings, and recommendations.

The application for a revised SWFP was received on December 28, 2012. Staff completed a review of the permit application package and found the application package to be complete and correct on January 17, 2013. Action must be taken on this permit no later than May 17, 2013. If no action is taken by May 17, 2013, the Department will be deemed to have issued the proposed revised SWFP.

Proposed Project

The following are key design parameters of the proposed project:

	Current Permit (January 25, 2006)	Proposed Permit
Permitted Area (acres)	Total – 57 Disposal – 44	Total – 90.36 Disposal – 58
Permitted Maximum Tonnage	500 tons per day (tpd)	1,000 tpd (disposal)
Permitted Traffic Volume	600 vehicles/day	600 vehicles/day
Design Capacity (cubic yards)	4,625,827	9,354,000
Maximum Elevation (mean sea level)	855	920
Estimated Closure Date	2024	2025 at 850 TPD or 2032 at 500TPD

Other changes include:

1. The submittal of a revised Joint Technical Document (JTD), dated May 2012, and updated pages submitted in October and December 2012, in response to Department staff's comments.
2. Update SWFP conditions to reflect proposed changes.

Key Issues

The proposed revised SWFP will allow for the following:

1. Increase the permitted maximum tonnage received from 500 tpd to 1,000 tpd disposal;
2. Expand the permitted facility boundary from 57 acres to 90.36 acres;
3. Expand the disposal footprint from 44 acres to 58 acres;
4. Increase maximum elevation from 855 mean sea level (MSL) to 920 feet MSL; and
5. Designated recyclable materials will not to be counted towards the daily permitted tonnage per the Mitigated Negative Declaration analysis (permitted vehicle traffic of 600 vehicles per day will be the limiting factor on the total amount of materials received).

Background

The John Smith Road Landfill (JSRLF) has been operating as a Class III landfill near the City of Hollister, in San Benito County since 1968. The JSRLF consists of two waste management units, a closed Class I surface impoundment area and the operating Class III municipal solid waste landfill, which accepts only non-hazardous solid waste, in accordance with waste classification regulations in Title 27, California Code of Regulations (CCR), Sections 20220 and 20230. The SWFP for the JSRLF only covers the Class III municipal solid waste landfill.

Findings

Staff recommends concurrence and issuance of the proposed revised SWFP. All of the required submittals and findings required by 27 CCR, Section 21685 have been provided and made. Staff has determined that the California Environmental Quality Act (CEQA) requirements have been met to support concurrence and issuance. The findings that are required to be made by the Department when reaching a determination are summarized in the following table. The documents on which staff's findings are based have been provided to the Branch Chief with this Staff Report and are permanently maintained by the Waste Permitting, Compliance and Mitigation Division.

27 CCR Sections	Findings	
21685(b)(1) LEA Certified Complete and Correct Report of Facility Information	Department staff, acting as Enforcement Agency (EA) for San Benito County, accepted the application package as complete and correct on January 17, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(2) LEA Five Year Permit Review	A Permit Review Report was prepared by the LEA on March 14, 2011. The LEA provided a copy to the Department on June 2, 2011. The changes identified in the review are reflected in this permit revision.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(3) Solid Waste Facility Permit	Department staff, acting as EA for San Benito County, prepared a proposed Solid Waste Facilities Permit on March 18, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685 (b)(4)(A) Consistency with Public Resources Code 50001	Waste Evaluation & Enforcement Branch (WEEB) in the Jurisdiction Product & Compliance Unit found the facility is identified in the Countywide Siting Element, as described in the memorandum dated February 25, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

27 CCR Sections	Findings	
21685(b)(5) Preliminary or Final Closure/ Postclosure Maintenance Plans Consistency with State Minimum Standards	Engineering Support Branch staff in the Closure and Facility Engineering Unit found the Preliminary Closure/Postclosure Maintenance Plan is consistent with State Minimum Standards as described in their email, dated February 7, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(6) Known or Reasonably Foreseeable Corrective Action Cost Estimate	The Engineering Support Branch staff in the Closure and Facility Engineering Unit found the written estimate to cover the cost of known or reasonably foreseeable corrective action activities is approved as described in their memorandum dated May 22, 2012.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(A) Financial Assurances Documentation Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Financial Assurances documentation for closure, postclosure maintenance, and corrective action in compliance as described in their memorandum dated March 7, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(7)(B) Operating Liability Compliance	Permitting and Assistance Branch staff in the Financial Assurances Unit found the Operating Liability in compliance as described in their memorandum dated March 7, 2013.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(8) Operations Consistent with State Minimum Standards	WEEB staff in the Inspections and Enforcement Agency Compliance Unit found that the facility was in compliance with all operating and design requirements during an inspection conducted on February 12, 2013. See compliance history below for details.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable
21685(b)(9) CEQA Determination to Support Responsible Agency's Findings	The Department is a responsible agency under CEQA with respect to this project. Permitting and Assistance staff has determined that the CEQA record can be used to support the Branch Chief's action on the proposed revised SWFP.	<input checked="" type="checkbox"/> Acceptable <input type="checkbox"/> Unacceptable

Compliance History

WEEB staff in the Inspection and Enforcement Agency Unit conducted a pre-permit inspection on February 12, 2013, and found the facility to be in compliance with applicable state minimum standards. Below are the details of the facility's compliance history based on the LEA/EA's quarterly inspection reports during the last five years:

- 2013 & 2012 – No violations were noted.
- 2011 – Four violations (January, February, June, and July) of 27 CCR Section 20921, Gas Monitoring and Control.
- 2010 – Seven violations (January, February, March, September, October, November, and December) of 27 CCR Section 20921 – Gas Monitoring and Control, and one violation of 27 CCR Section 20919.5 – Explosive Gas Control.

- 2009 – No violations were noted.
- 2008 – Three violations (March, April, June) of 27 CCR Section 20919.5 – Explosive Gas Control.

The violations were corrected to the satisfaction of the LEA prior to CalRecycle assuming EA duties.

Environmental Analysis

Under CEQA, the Department must consider, and avoid or substantially lessen where feasible and within its jurisdiction, any potentially significant environmental impacts of the proposed SWFP before the Department concurs in its issuance. In this case, the Department is a Responsible Agency under CEQA and must utilize the environmental document prepared by the San Benito County, Planning Department, acting as Lead Agency, absent changes in the project or the circumstances under which it will be carried out that justify the preparation of additional environmental documents and absent significant new information about the project, its impacts and the mitigation measures imposed on it.

The SWFP revision under consideration will allow for the following: a permitted maximum disposal tonnage of 1,000 tons per day; expansion of the permitted facility boundary by 33.81 acres for a total of 90.36 acres and an expansion of the disposal footprint from 44 acres to 58 acres; increase final maximum elevation from 855 MSL to 920 MSL; and recyclable materials will not be counted towards the daily tonnage per the Mitigated Negative Declaration analysis.

An Initial Study/Mitigated Negative Declaration (MND), State Clearinghouse No. 2012061081, was circulated for comment from June 25, 2012 to July 24, 2012. The project analysis concluded that any physical environmental impacts caused by the project could be mitigated to less than significant levels with the implementation of the mitigation measures included in the Mitigations and Monitoring Report. The MND was adopted by the Lead Agency on September 6, 2012.

The Department acting as the EA for San Benito County has provided a finding that the proposed revised SWFP is consistent with and supported by the cited environmental document.

Staff recommends that the Department, acting as a Responsible Agency under CEQA, utilize the MND as prepared by the Lead Agency in that there are no grounds under CEQA for the Department to prepare a subsequent or supplemental environmental document or assume the role of Lead Agency for its consideration of the proposed revised SWFP. Department staff has reviewed and considered the CEQA Findings adopted by the Lead Agency. Department staff further recommends the MND, together with the CEQA finding, is adequate for the Branch Chief's environmental evaluation of the proposed project for those project activities which are within the Department's expertise and/or powers, or which are required to be carried out or approved by the Department.

The administrative record for the decision to be made by the Department includes the administrative record before the EA, the proposed revised SWFP and all of its components and supporting documentation, this staff report, the MND adopted by the Lead Agency, and other documents and materials utilized by the Department in reaching its decision on concurrence in,

or objection to, the proposed revised SWFP. The custodian of the Department's administrative record is Dona Sturgess, Legal Office, Department of Resources Recycling and Recovery, P.O. Box 4025, Sacramento, CA 95812-4025.

Public Comments

The project document availability, hearings, and associated meetings were extensively noticed consistent with the SWFP requirements. As the EA, Department staff conducted a public informational meeting on February 12, 2013, at the County of San Benito Administration Building, Board Chambers, located at 481 Forth Street, in the City of Hollister. Six members of the public were in attendance. Oral and written comments were received by the EA in regards to: road maintenance issues, current and proposed traffic volumes, litter, covered and uncovered loads, nails and flat tires; other questions included recyclable and disposal percentages at the landfill, out of county refuse, landfill fees, closure dates, postclosure land use, and the planned Resource Recovery Park (different project).

In response to comments received, Department staff indicated: the maintenance of John Smith Road does not fall within CalRecycle's jurisdiction, the permitted traffic volume currently allowed by CEQA will not change with the proposed expansion, litter is controlled by regulations and checked for compliance during monthly EA inspections, uncovered loads are fined at the gate of the landfill, flat tires caused by nails and debris along John Smith Road were discussed but remained unresolved. The operator's representative, Joshua Shaw, noted during the meeting that the facility has a magnet on wheels that can be pulled behind a truck. However, when the magnet is attached, the truck can only travel at five (5) miles per hour and it is unsafe for the operator to use the device on John Smith Road. Although outside the authority of CalRecycle, staff will continue to discuss options with the operator to minimize nails on the road.

Ms. Mandy Rose, of the San Benito County Integrated Waste Management Department answered questions related to the recycling area; out of county waste and tipping fees. Ms. Rose also received one call regarding the planned Resource Recovery Park and addressed questions related to the planned project.

It was noted that the estimated closure date at an average of 800 tons per day would be 2025 and at an average of 500 tons a day would be 2032.

The Department staff will provide an opportunity for public comment during the CalRecycle Monthly Public Meeting on March 19, 2013.